

## RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-Dw 304
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 485:3, I(c); RSA 485:41, II &amp; IV</u> 3. Federal Authority: _____ 4. Type of Action: Adoption <u>X</u> Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment _____	

5. Short Title: Emergency Bulk Water Supply for Public Water Systems

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Pump failure, water quality or quantity problems, or other unexpected circumstances may make it necessary for a public water system (PWS) to obtain water in bulk to supplement a water supply on a temporary basis. Currently, no standards exist for the hauling or delivery of bulk water to a PWS and no standards exist to ensure the quality of any water delivered. The proposed rules thus specify the acceptable sources, quality, and testing of emergency bulk water for PWS. The proposed rules also specify appropriate equipment, sanitation practices, and recording when bulk water haulers obtain and deliver emergency bulk water.

The proposed rules provide bulk water haulers and PWS operators with a regulatory framework that is specific to emergency bulk water deliveries. Specifically, the proposed rules will ensure that water obtained from alternate sources during emergencies will meet the same requirements that the water provided by the PWS is required to meet on a daily basis. The rules also allow equipment that is not exclusively used for bulk water transport to be used during emergency bulk water deliveries if sanitized as specified in the proposed rules, thus allowing more companies to provide bulk water. The identification in the proposed rule of acceptable sources of bulk water means that haulers will no longer be required to obtain the Department's prior approval for use of the water as emergency bulk water for a PWS, thus facilitating more timely delivery of emergency bulk water to PWS. The rules also establish a process by which the owner of a source that is not an approved source under the rule can become an approved source, thereby potentially increasing the number of sources of water available to bulk water haulers. At the time of delivery, the bulk water provider must provide recent analytical results for the water being delivered if the water is from a source that is not automatically an approved source as defined in the rules, and a certified PWS representative must be present during delivery to measure the free chlorine residual in the bulk water being delivered, to ensure that a concentration between 0.2 mg/l and 4.0 mg/l is present in the bulk water and to add the appropriate amount of sodium hypochlorite to make the concentration of free chlorine residual in the bulk water delivered to the PWS greater than 0.2 mg/l and less than 4.0 mg/l. The analytical results and supervision of delivery by a certified PWS representative will ensure that clean drinking water is properly introduced into the PWS, thereby protecting public health and eliminating costs of corrective action if water not meeting standards is delivered to customers. The PWS must notify the Department of the delivery no later than 2 business days after any bulk water is delivered to customers by submitting a notification form, and must include information on the bulk water in its Consumer Confidence Report.

6. (b) Brief description of the groups affected:

Owners and operators of public water systems that obtain bulk water during emergencies and bulk water haulers will be affected by these rules.

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6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Dw 304 (see also specific section listed below)	RSA 485:3, I(c); RSA 485:8, II; RSA 485:10; RSA 485:40; RSA 485:41, II
Env-Dw 304.10	RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Debra Sonderegger Title: Principal Planner, DWGB  
Address: Department of Environmental Services Phone #: (603) 271-2862  
29 Hazen Drive Fax #: (603) 271-0656  
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Concord, NH 03302-0095

The rules also can be viewed in PDF at TTY/TDD Access: Relay NH 1-  
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> 800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, September 14, 2009, 4:00 p.m.**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, September 4, 2009, 9:00 a.m.**

Place: **Rooms 110-111, DES Offices, 29 Hazen Drive, Concord, N.H.**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:121 , dated 07/27/09

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules provide guidance on how to comply with statutory requirements and so impose no costs. The proposed rules thus do not create, modify, or expand a program in such a way as to require action that cause political subdivisions to incur costs and so do not violate Part I, Article 28-a of the N.H. Constitution.